IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
MONDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE A.GOPAL REDDY
WRIT PETITION NOS. 10941, 11512 AND 11248 OF 2004

W.P.No.10941 of 2004

Between:

E.V.Padmaja D/o E.Jaga Rao
48-7-41/1, Srinagar, Near Rama Talkies,
Visakhapatnam -530016

..... PETITIONER

AND

1 The Vice Chancellors Andhra University Visakhapatnam
2 The Principal and the Convenor, Andhra University, M.E.Admissions 2004
Visakhapatnam
3 Head of the Department , M.Tech (Computer Science), Andhra university,
Visakhapatnam
4 Jawaharlal Nehru Technological University, Hyderabad. Rep. by its Registrar.
R4 is Impleaded as Court Order dated 9-7-2004 in WPMP 14843 of 2003.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue writ or order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in denying the petitioners admission into M.Tech (Computer Science) Course as illegal and arbitrary and consequently direct the respondents to consider the case of the petitioner for admission into M.Tech (Computer Science) course forthwith.

Counsel for the Petitioner:MR.K.SRINIVASA REDDY

Counsel for the Respondents 1 to 3: Mr.P.B.VIJAY KUMAR.

Counsel for the Respondent No.4:Mr.C.KODANDA RAM, MS.K.MAMTA

W.P.No.11512 of 2004

Between:

Smt. Gadde Vijaya Lakshmi W/o Sri Atluri Jagadishwara Rao
D.No.53-33-45, K.R.M.Colony, Visakhapatnam -530 013

..... PETITIONER

AND

1 The Andhra University Visakhapatnam, rep. by its Registrar
2 The Principle and Convener, college of Engineering ,
Andhra university, Waltair, Visakhapatam -530 003

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of mandamus, declaring the action of the 1st and 2nd respondents in denying me admission to M.Tech(CST/IT) course for the academic year 2004-05, not withstanding my qualification and rank in the Andhra university Common Entrance Examination (AUCET) as being illegal, arbitrary and against the very rules and regulations of the respondent University, apart from their own regulations, and for a consequential directions to the respondents to admit me into M.Tech (CST/IT) Course commencing from the academic year 2004-05

Counsel for the Petitioner:MR.U.RAMANJANEYULU

Counsel for the Respondents :Mr.P.B.VIJAY KUMAR

W.P.No.11248 of 2004

Between:

Smt. Valluri Rajaya Lakshmi, W/o Sri.V. Ramesh
R/o D. No. SBI-16, Sector-VII, MVP Colony, Visakhapatnam-530017

..... PETITIONER

AND

1 Andhra University, Visakhapatnam, rep by Registrar
2 The Principal and Convener College of Engineering Andhra University,
Waltair, Visakhapatnam-530 003

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 1st and 2nd respondents in denying the admission to the petitioner in M.E. (ECE) Course for the academic year 2004-2005, notwithstanding my qualification and superior rank in the relevant GATE entrance examination, as being illegal, arbitrary and against the very Rules and Regulations of the Respondent University, apart from their own eligibility criteria, and for a consequential directions tot he Respondents to admit me into M.E. (ECE) Course commencing from the academic year 2004-2005

Counsel for the Petitioner:MR.D.SESHADRI NAIDU

Counsel for the Respondent Nos.1 and 2:Mr.P.B.VIJAY KUMAR

The Court made the following Order:

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NOS.10941, 11512 AND 11248 OF 2004

COMMON ORDER:

All these three cases involve similar fact situations and are thus disposed of by this common order at the stage of admission.

Pursuant to the notifications issued by the second respondent-University inviting applications for M.E/M.Tech/M.Pharm admission, 2004, all the petitioners responded seeking admission into the various courses offered by the University. E.V.Padmaja, petitioner in W.P.No.10941 of 2004 applied for admission into M.Tech(Computer Science/PT) and secured 32nd rank; whereas the petitioner, G.Vijaya Lakshmi, in W.P.No.11512 of 2004 made application seeking admission into M.Tech (CST/IT) and secured 436th rank. Likewise, petitioner, Vallurui Rajya Lakshmi, in W.P.No.11248 of 2004 secured 94.2 GATE percentile and applied for admission into M.E. (ECE) course. When they attended for counselling, respondents informed them that they are ineligible for admission into the said courses on the premise that the

Andhra University has not recognised the AMIE as equivalent to B.Tech/B.E.

It is their case that the Government of India, Ministry of Education and Social Welfare (Department of Education), as early as on 16-08-1978, informed the Controller of Examinations, Institution of Engineers (India), Gokhale Road, Calcutta, that a pass in Sections A and B of the Institution Examinations of the Institution of Engineers (India) is recognized by the Government of India on par with a Bachelor's Degree in the appropriate field of Engineering from a recognized Indian University, for the purpose of recruitment to superior posts and services under the Central Government. The letter dated 11-11-1978 addressed by the College of Engineering, Andhra University to the Registrar, Andhra University, Waltair, would depict that the Joint Board of Studies in Engineering, Andhra University, principally approved that candidates who passed Sections A and B of AMIE Examination may be admitted into the PG Courses in Engineering offered by the Andhra University, provided they successfully complete an entrance examination conducted by the University before admissions, and accordingly, requested to address the same to the Institution of Engineers (India). Inspite of the same, the second respondent-Principal and Convenor of Andhra University did not consider the petitioners for admission into PG Courses in Engineering Branch on the ground that AMIE is not equivalent to B.Tech/B.E. Course. Petitioners submitted that one D.Madhavi, who also possessed AMIE was admitted into P.G. Courses in Andhra University on 11-01-2002, and therefore, rejecting their admission on the premise that AIME is not equivalent to B.Tech/B.E. Courses is unsustainable.

In the counter-affidavit filed on behalf of the respondents, it is stated that the petitioner in W.P.No.10941 of 2004 applied for M.Tech(Computer Science) Course and secured 32nd rank; whereas

the petitioner in W.P.No.11512 of 2004 has applied for M.Tech(CST/IT) in Andhra University and secured 436th rank. The petitioner, who filed W.P.No.11248 of 2004, applied for M.E. (Electronic Instrumentation) in Andhra University and secured 94.2 GATE percentile, since the last seat in Andhra University for M.E.(Electronic Instrumentation) under OC(Women) category has gone to the candidate with 95.54 GATE percentile, petitioner in W.P.No.11248 of 2004, who is having less percentile than that of candidate with 95.54 GATE percentile, could not be admitted. It is stated that the petitioners did their Part A and B of AMIE in Computer Engineering Branch and so far no decision of Academic Senate is available to the effect that Part A and B of Computer Engineering Branch of AMIE is equivalent to B.E.(Computers). It is also stated that the certificate dated 11-07-2002 issued in favour of the said D.Madhavi is of no assistance to them because the said certificate deals with equivalency to B.E.(ECE) of Andhra University with AMIE, but it never extends to B.E.(Computers) of Andhra University and that the said certificate is even silent regarding the discipline to which the said candidate belongs in AMIE, and therefore, the same cannot be the basis for claiming admission in the absence of any Resolution from the Competent Board of Andhra University, equivalency of AMIE to that of BE Computers as on today, and in fact, an issue has been taken up at initial level and it has been decided to study further at micro level taking into consideration the syllabus of AMIE A and B Sections discipline-wise and that after culmination of this process, the University will decide the extension or otherwise of equivalency with AMIE on par with B.E. Degree of Andhra University from next academic year onwards. In the absence of such decision taken by the Andhra University, petitioners, who are AMIE candidates, cannot claim admission in P.G. Courses in Engineering Branch on par with B.E. Degrees. Reliance was placed on the judgment of the Supreme Court in **Rajendra Prasad Mathur v.**

Karnataka University[1], and sought for dismissal of these three writ petitions.

This Court, on 30-06-2004, directed the Counsel for the petitioner to implead Jawaharlal Nehru Technological University, Hyderabad (JNTU) as party respondent to know whether AMIE Engineering Course is equivalent to B.E.Course. JNTU was impleaded as the fourth respondent, filed its counter stating that JNTU is considering AMIE and AMITE degrees for admission into PG Programmes in Engineering provided that the candidate (who has AMIE or AMITE) has passed Sections A and B of the Associate Membership (AMIE/AMIETE) and has been awarded membership certificate from the professional body. However, candidates who have been conferred the Associate Membership/Membership by virtue of their present qualifications, experience and achievements are not eligible.

Mr k.Srinivasa Reddy and Mr D.Seshadri Naidu, learned Counsel for the petitioners argued that in the case of the said D.Madhavi, Andhra University had issued a certificate dated 11-07-2002, stating that the Academic Senate recognised the AMIE Examination of the Institution of Engineering University passed by her as equivalent to B.E.(ECE) Degree Examination of the Andhra University; whereas in the notification issued by the second respondent-University, the eligibility criteria prescribed for Electrical Engineering is that one must have passed B.E.Electrical Engineering of Andhra University or its equivalent except AMIE and that in the absence of any such exception to other P.G Courses in Engineering Branch, it would imply that AMIE is equivalent to B.Tech/B.E. Courses. He further argued that despite the other Universities recognising the AMIE as equivalent to that of B.E.Degree, the action of the Andhra University treating the AMIE candidates in a different manner cannot be countenanced.

On the other hand, learned Counsel for the respondent-University submits that the petitioners have passed Part A and B of AMIE in Computer Engineering Branch and since there is no resolution from the competent Board of Andhra University to the effect that Part A and B of Computer Engineering Branch of AMIE is equivalent to B.E. (Computers), they cannot be treated as candidates eligible for P.G.Courses in Engineering. He further submits that since the admissions into M.Tech(CST) & (IT) in AU Campus and other affiliated colleges were already completed on 25-06-2004 and the classes stood commenced from 01-07-2004, the petitioners cannot claim admission into the said course at this distance of time.

In **State of Rajasthan v. Lata Arun**[2], the Supreme Court while considering the eligibility qualification for admission into General Nursing and Mid-wifery and Staff Nurse Courses considered that in the light of the notification issued by the Director, Medical and Health Services therein inviting applications from eligible candidates for admission into the said courses for the academic year to be commenced in the year 1990 and that the candidate, who possessed Madhyama Certificate issued by the Hindi Sahitya Sammelan, Allahabad, in 1984, which was previously recognized as equivalent to a degree in Hindi, but later in the letter dated 04-12-1991, it was clarified that the examinations of Hindi Sahitya Sammelan, Allahabad, are not equated with the regular Secondary Board/Universities. However, the respondent-candidate was given provisional admission in the Nursing Course and the same was cancelled when it was detected that she did not have the educational qualification prescribed for the said course. Aggrieved, the candidate filed writ petition and the same was dismissed by a learned Single Judge of the High Court of Rajasthan leaving it open for the Nursing Council to decide whether the Madhyama degree obtained by the candidate in the year 1984, is equivalent to B.A. for

Hindi purposes should be admitted or not. On appeal, the Supreme Court held that the prescribed eligibility qualification for admission to a course or for recruitment or for promotion in service, are matters to be considered by the appropriate authority. It is not for the Courts to decide whether a particular educational qualification should or should not be accepted as equivalent to the qualification prescribed by the authority. The Supreme Court in Rajendra Prasad Mathur's case (1 supra) held as under:

> "It is for each University to decide the question of equivalence and it would not be right for the Court to sit in judgment over the decision of the University because it is not a matter on which the Court possesses any expertise. The University is best fitted to decide whether any examination held by a University outside the State is equivalent to an examination held within the State having regard to the courses, the syllabus, the quality of teaching or instruction and the standard of examination. It is an academic question in which the Court should not disturb the decision taken by the University. Here we find that no material has been placed before the Court on the basis of which the Court could say that the decision of the Karnataka University not to recognise the Higher Secondary Examination of the State of Rajasthan or the first year B.Sc examination of the Universities of Rajasthan and Udaipur as equivalent to the Pre-University Examination of the Pre-University Education Board, Bangalore was arbitrary or not based on reasons. We must therefore reject this contention urged on behalf of the appellants."

In view of the aforesaid decision of the Supreme Court, the question as to whether the petitioners are entitled for admission into P.G.Courses in Engineering Branch basing on the certificate issued by Andhra University to the said D.Madhavi, recognizing her AIME qualification as equivalent to that of B.E.(ECE) Degree Examination of

the Andhra University is to be considered and decided by the authorities concerned. Unless the Academic Senate of the University recognizes AIME examination of the Institution of Engineering University on par with B.Tech/B.E. course of Andhra University, this Court cannot decide the question of equivalency of qualification prescribed by the authorities and can give a finding on the same. In view of the same, it is for the University concerned to consider the same, but not for the Courts.

In the result, the writ petitions fail and are accordingly dismissed.

30-08-2004

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To

1 The Vice Chancellor, Andhra University Visakhapatnam
2 The Principal and the Convenor, Andhra University, M.E.Admissions 2004
Visakhapatnam
3 The Head of the Department , M.Tech (Computer Science), Andhra University, Visakhapatnam
4 The Registrar, Jawaharlal Nehru Technological University, Hyderabad.
5. The Registrar, Andhra University, Visakhapatnam.
6. Two CD copies.

[1] 1986 SUPP SCC 740

[2] AIR 2002 SC 2642